IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5360 OF 2004

Sakharam Shripati Sankapal Petitioner

versus

Smt.Kasabai Aba Sankpal, since deceased through LRs and others Respondents

Shri Bodake for petitioner.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 18th January 2006

PC :

1. Heard Shri Bodake appearing for the petitioner. The order impugned in this petition, which is filed in January 2002, is passed on 13th November 2001 during the course of RTS proceedings, in Revision application preferred by the petitioner. The Additional Commissioner has dismissed the revision application and confirmed an order passed by the Additional Collector on 28th December 1995.

2. In my view,no useful purpose will be served by allowing the petitioner to prosecute the

petition under Article 227 of the Constitution of India in 2006 and summon other side at his instance. Moreso, when orders passed during the course of RTS proceedings, do not decide rights of all the parties thereto. All such orders and directions are always subject to the rights as determined by competent court. Therefore, leaving all remedies open to the petitioner to assert such rights, present petition is disposed of. All contentions on merits of the petitioner including those raised in this petition are expressly kept open.

(S.C.DHARMADHIKARI, J.)